

House File 2214

H-8251

1 Amend House File 2214 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 321.1, Code Supplement 2011, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 95. "*Automated traffic law*
7 *enforcement system*" means a device with one or more
8 sensors working in conjunction with a traffic control
9 signal or device or a speed-measuring device to produce
10 recorded images of vehicles being operated in violation
11 of traffic or speed laws. "*Automated traffic law*
12 *enforcement system*" does not include a device operated
13 in the presence of a peace officer or a device mounted
14 on a school bus and operated in the presence of the
15 driver of the school bus.

16 Sec. 2. NEW SECTION. 321.5A Automated traffic
17 enforcement systems.

18 A local authority shall not use an automated traffic
19 enforcement system except as provided in this section.

20 1. A local authority may by ordinance authorize
21 the use of automated traffic enforcement systems to
22 detect violations of posted speed limits or official
23 traffic-control signals which constitute municipal or
24 county infractions.

25 2. Recorded images produced by an automated traffic
26 enforcement system evidencing a violation of a posted
27 speed limit or an official traffic-control signal
28 shall be reviewed by a peace officer of the local law
29 enforcement agency to affirm that a violation occurred
30 and the identity of the motor vehicle involved in the
31 violation. If following the officer's review, a notice
32 of a fine or citation is issued to the owner of the
33 motor vehicle involved in the violation, the following
34 requirements apply:

35 a. An affidavit bearing the written or electronic
36 signature of the peace officer shall be included on the
37 notice or citation.

38 b. The notice or citation shall contain a
39 statement, in bold type, regarding the process for
40 appealing the fine.

41 c. The notice or citation shall be sent by ordinary
42 mail to the owner of the motor vehicle involved not
43 more than thirty days following the incident giving
44 rise to the notice of a fine or citation, as evidenced
45 by the postmark.

46 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT
47 SYSTEMS — VALIDITY OF PRIOR NOTICES AND
48 CITATIONS. Notices mailed or citations issued
49 of violations committed prior to the effective date of
50 this Act, pursuant to a local ordinance authorizing the

1 use of an automated traffic enforcement system, shall
2 not be invalidated by the enactment of this Act and
3 shall be processed according to the provisions of the
4 law under which they were authorized.>

5 2. Title page, line 1, by striking <prohibiting>
6 and inserting <relating to>

7 3. Title page, by striking line 2 and inserting
8 <systems.>

JORGENSEN of Woodbury